



***Town of Tyngsborough  
Planning Board***  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 115

MINUTES  
February 17, 2011  
**APPROVED**

Attachments:

1. Meeting Agenda
2. Vesper Properties Release of Development Agreement
3. Sycamore Networks Real Estate, LLC Release of Covenant
4. Request for Certificate of Performance for 3 Marla Circle – January 24, 2011
5. Draft Small and Large Wind Energy System By-Law

Members Present: Steve Nocco, Chairman  
Tom Delmore, Vice Chairman  
Bill Gramer  
Pamela Berman, Administrative Assistant

Members Absent: Steve O'Neill  
Caryn DeCarteret, Associate Member  
Jesse Johnson, P.E.: David E. Ross Associates

**7:00pm -** Meeting called to order by Chairman S. Nocco

**7:05pm -** Westford Road Development Covenant & Development Agreements

Atty. Scott Eriksen and developer Walter Eriksen appeared before the Board with the release documents for Vesper Properties, Vesper Executive Park and Sycamore Networks. These documents have been thoroughly reviewed by Town Counsel and in effect release the Town of Tyngsborough and the Planning Board from the 1987 covenant and development agreements. The Board was advised by Town Counsel that these documents are acceptable for the Board to sign.

**W. Gramer:** Motion to accept the release agreements

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 3 Opposed: 0 Absent: 2**

**Passes: 3-0-2**

**7:10pm**      3 Marla Circle (Lot 4A) – Certificate of Performance – Date of Sale: (9/16/05)

A request for a Certificate of Performance (Form I) was received for the above address. Although this certificate was issued for the entire subdivision on September 2, 2004, the plan reference on that document did not include 3 Marla Circle (Plan 51). W. Gramer questioned whether Plan 51 was ever recorded with the Registry of Deeds and asked for a 15 minute recess in order to search the online records at the Registry of Deeds in search of Plan 51.

After a 15 minute recess, W. Gramer was able to verify the plan references with the Registry of Deeds, which satisfied the Board's concerns. The Board then signed the Certificate of Performance

### **New Business**

#### **Wind Energy System By-Law Discussion**

W. Gramer researched and drafted a wind energy system by-law for the Town of Tyngsborough that would be incorporated in the Zoning By-Laws. The by-law was broken down into small and large systems. The Board discussed these documents and several questions were raised. The Board indicated that a joint meeting with the Energy and Environmental Affairs Committee should be scheduled in order to discuss these documents, as they have the knowledge and expertise to answer the Board's questions. P. Berman will work on scheduling that meeting.

### **Administrative**

**W. Gramer:** Motion to approve the minutes from January 20, 2011 and February 3, 2011

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 3 Opposed: 0 Absent: 2**

**Passes: 3-0-2**

**7:50pm**

**T. Delmore:** Motion to adjourn

**B. Gramer:** 2<sup>nd</sup> the motion

**In Favor: 3 Opposed: 0 Absent: 2**

**Passes: 3-0-2**

Minutes respectfully submitted by  
Pamela Berman  
Planning Board Administrative Assistant